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October 24, 2018

VIA ECF

The Honorable Joan M. Azrack
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

Re: *Reyes v. Nocera Restaurant, Inc., et al.*
Case No. 16-cv-0455

Dear Judge Azrack:

We are counsel to Plaintiff and write, jointly with counsel to Defendants. Pursuant to Your Honor's Clerk's instruction, the parties propose the following language, detailing the formula for Class Member allocations, be incorporated as an addendum to the Settlement Agreement and Release (ECF Dkt. 75-1).

Allocation Formula:

(1) The Settlement Fund, after deductions for court approved attorneys' fees and expenses, settlement administration fees, service awards, and all other court approved expenses or disbursements, will be allocated according to the following formula:

(i) Class Members employed by Defendants on or after January 1, 2016 will be paid a flat payment of \$100;

(ii) After deduction of the amounts set forth in Section 1(i), the balance of the net settlement fund shall be paid to those Class Members employed by Defendants at any time from January 28, 2010 to December 31, 2015 (the "Relevant Time Period").

(iii) Class Members employed by Defendants during the Relevant Time Period shall receive 1 point for every week they worked at the Restaurants during the Relevant Time Period as reflected by Defendants' records.

(iv) The balance of the net settlement fund (after deduction of the amounts set forth in Section 1(i)) will be divided by the aggregate number of points accrued by all of the Class Members who worked

during the Relevant Time Period, who do not timely opt-out of the settlement (“Point Value”). Each Class Member’s total points will be multiplied by the Point Value to determine his or her “Individual Settlement Amount.”

In addition to the foregoing, as instructed by Your Honor’s Clerk, Robert Terranova, Esq., the parties have emailed to Chambers a copy of the Proposed Notice (ECF Dkt. 75-2) in Microsoft Word format.

Respectfully submitted,

/s/ Anne Seelig
Anne Seelig, Esq.

cc: all parties via ECF